Calendar No. 420

99TH CONGRESS *1st Session* | SENATE | REPORT 99-190

AUTHORIZING TELEVISION AND RADIO BROADCAST COVERAGE OF PROCEEDINGS IN THE SENATE CHAMBER

NOVEMBER 19 (legislative day, NOVEMBER 18), 1985.—Ordered to be printed

Mr. MATHIAS, from the Committee on Rules and Administration, submitted the following

REPORT

[To accompany S. Res. 28]

The Committee on Rules and Administration, to which was referred the resolution (S. Res. 28) to improve Senate procedures, having considered the same, reports favorably thereon with amendments and recommends that the resolution as amended be agreed to.

PURPOSE

Senate Resolution 28, as reported by the Committee on Rules and Administration, provides for a test period implementation of live, gavel-to-gavel radio broadcast coverage of all proceedings in the Senate Chamber, and a closed circuit test of television coverage of all proceedings, except, in both cases, when a closed-door session is ordered. The Architect of the Capitol, the Sergeant at Arms and Doorkeeper of the Senate, the Librarian of Congress, the Archivist of the United States, and the Committee on Rules and Administration are given certain specified duties by this resolution. Regulations for this coverage are also provided, and a sum not to exceed $3,500,000 for the Architect of the Capitol to carry out the purposes of this resolution is authorized to be expended from the contingent fund of the Senate.

BACKGROUND

The Senate has had a public gallery, open to all citizens and the print media, since 1794. In the mid-1940's, Senator (now Representative) Claude Pepper introduced the first resolution providing for

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broadcast coverage of the proceedings of the Senate and the House, and in 1947, television cameras were permitted in the House Chamber to cover the opening of the 80th Congress.

During the following three decades, however, the Senate and the House each have accepted or rejected television coverage in various ways according to each body's individual determinations and procedures.

In the Senate, television was permitted in the Chamber in 1974 to cover the swearing-in ceremony of Vice President Nelson Rockefeller, and in 1977, radio broadcast coverage was authorized for the Panama Canal Treaty debates, which were conducted the following year. Also, the Senate Committee on Rules and Administration conducted tests between 1975 and 1979 to determine the lighting requirements for televising Senate floor proceedings and to ascertain if television would require any significant alterations to the Chamber.

In March of 1977, the Speaker of the House of Representatives announced his authorization of a 90-day test of live gavel-to-gavel television coverage of House floor proceedings. In October 1977, the House authorized the Speaker to install a closed-circuit television system, and in June 1978, the Speaker appointed an Advisory Committee on Broadcasting to develop a closed-circuit viewing system and to make audio and video broadcast signals available to the news media. Television signals were first made available to the broadcast media on March 19, 1979, after a trial of several weeks of closed-circuit telecasts.

Several resolutions, meanwhile, had been submitted in the Senate to provide for radio and television coverage of the Senate. The first committee action was taken in 1981, on S. Res. 20, 97th Congress. The Committee on Rules and Administration held extensive hearings on the measure, including testimony from Senators, Representatives, officers of the Senate, public interest groups, and members of the press. S. Res. 20, which would have provided for construction of facilities to provide gavel-to-gavel coverage by both radio and television, was reported favorably without amendment on August 13, 1981.

S. Res. 20 received extensive consideration on the floor of the Senate in February and April of 1982. Because of concern that the resolution did not provide enough detail on issues of implementation, it was amended so that it would become effective only upon the approval of a resolution containing regulations and/or rules changes needed for this implementation. With this amendment, the resolution was agreed to by a vote of 95–1. The Committee on Rules and Administration was given 60 days to report the necessary regulations. This period was later extended by unanimous consent to 90 days and again later to 98 days.

The Committee on Rules and Administration held two days of hearings on the regulations necessary to implement S. Res. 20 on May 19 and May 24, 1982. These hearings supplemented all of the previous hearings as well as the floor debate on S. Res. 20, during which issues of implementation were discussed.

On July 27, 1982, the Committee on Rules and Administration reported favorably S. Res. 436, an original resolution to implement

television and radio coverage of proceedings of the Senate. The 97th Congress adjourned before S. Res. 436 received final action.

S. Res. 66, a resolution substantially the same as the one which died at the end of the 97th Congress, was submitted on February 16, 1983. Hearings were held on April 14 and April 15, 1983, and on June 28, 1983, the Committee reported S. Res. 66. without recommendation. The 98th Congress adjourned before S. Res. 66 was acted on.

COMMITTEE ACTION

Hearings on S. Res. 28 (which is similar to S. Res. 66 except that it provides that broadcasts would occur only when proposed by the leadership and approved by the Senate and it contains numerous provisions revising the Standing Rules of the Senate), S. Res. 29 (similar to S. Res. 28 without the proposed Rules changes) and S. Res. 81 (substantially the same as S. Res. 66), were held on September 17 and 18, 1985.

Also pending before the Committee at its business meeting on October 29, 1985, were S. Res. 245, introduced by Senator Byrd on October 25, 1985, and S. Res. 28 (star print), printed on October 28, 1985.

S. Res. 245 provides that coverage will be gavel to gavel. In all other respects it is a copy of S. Res. 28 (star print).

S. Res. 28 (star print) contains the text of S. Res. 245 in place of the original S. Res. 28 language.

Those who testified on September 17 and 18, 1985, were:

September 17, 1985: Hon. Robert C. Byrd (D–W. Virginia), United States Senate; Hon. William L. Armstrong (R-Colorado), United States Senate; Hon. Albert Gore, Jr. (D-Tennessee), United States Senate.

September 17, 1985: Hon. Robert C. Byrd (D-W. Virginia), United States Senate; Robert McFarland, Vice President and Bureau Chief, NBC News, Washington, D.C.; George Watson, Vice President and Bureau Chief, ABC News, Washington, D.C.: Jack Smith, Vice President and Bureau Chief, CBS News, Washington, D.C.; William Headline, Vice President and Bureau Chief, Cable News Network, Washington, D.C.; Ed Godfrey, News Director, WAVE-TV, Louisville, Kentucky; Tom Becherer, News Director, WLKY-TV, Louisville, Kentucky; Bob Morse, President and General Manager, WHAS-TV, Louisville, Kentucky; Ralph Gabbard, Executive Vice-President, WKYT-TV, Lexington, Kentucky; Brian Lamb, Chairman, C-SPAN; John P. Frazee, Jr., Chairman, C-SPAN Executive Committee and Vice President, Centel Corporation; Hedding Carter, Correspondent, PBS Capitol Journal, Washington, D.C.; William A. Leonard, representing the National Association of Broadcasters; Ernie Schultz, Executive Vice President, Radio-Television News Directors Association; Bradley B. Niemcek, President, Newslink, Inc., Washington, D.C.; Ms. Elvera Ruby, Bureau Chief, Independent Network News, Washington, D.C.

In addition, the following submitted statements for the record: Hon. James A. McClure (D-Idaho), United States Senate, and the Society of Professional Journalists, Washington, D.C.

COMMITTEE FINDINGS

With respect to the major questions raised by individual Senators concerning the televising of Senate floor proceedings, the Committee, in summary, offers the following answers. (Some of this material was assembled by the Committee during its studies and hearings of S. Res. 20, S. Res. 436, and S. Res. 66, and was included in the Committee's reports on those resolutions.)

POLICY ISSUES

Effect on Senate rules

Authority for television and radio broadcasts.—The authorization for television and radio broadcast granted with the approval of S. Res. 28 will become effective upon its approval by the Senate. Therefore, no change to the Senate Rules will be necessary to permit radio broadcast or closed circuit television transmission.

S. Res. 28 (star print) as originally submitted by Senator Byrd contained numerous provisions revising the Standing Rules of the Senate.

As reported by the Committee, the amendment to S. Res. 28 (star print) deleted the rules changes from the resolution. However, this should not be seen as serving the linkage between the necessity for consideration of rules changes and the decision to televise Senate proceedings. The committee believes that these provision represent an important effort to streamline Senate proceedings and that they should be the subject of careful and extensive review.

As amended in Committee by the Gore Amendment, S. Res. 28 (star print) establishes a test period during which the Senate proceedings will be broadcast live on radio and will be televised on the in-house closed circuit Congressional system. The test period will end only after a resolution has been considered and either passed or rejected by both the Committee on Rules and Administration and the full Senate. Thus, no TV signal can be sent out to the public, and public radio broadcasts will not be finally authorized without a second affirmative action by the committee and the Senate. The committee intended to break the linkage between rules changes and the vote on the test period, but it did not intend to break the linkage between rules changes and the decision to broadcast the TV signal to the public.

The committee believes that the test period represents an important opportunity for Senators to experience televised proceedings outside of the public spotlight.

The test period also should be used to review and consider the rules changes suggested by Senator Byrd, those changes that appear necessary from the introduction of the television cameras, and any other rules changes suggested by other Senators. The Committee intends to hold extensive hearings on this subject. Whether, in fact, any rules changes will ultimately accompany a resolution to televise Senate proceedings, or will be considered separately, will be determined by the Committee and the Senate. But it is the intention of the Committee that the rules changes be considered concurrently with the closed circuit television broadcast test.

Extent of coverage

The coverage during the test period will be gavel-to-gavel except during "closed door" sessions.

Kind of coverage

Principles of coverage.—Coverage is intended to provide a complete, unedited record of what is said on the floor of the Senate. Coverage is intended to be an informative documentary and not a staged performance, and is to be free from editorial analysis.

During debates.—Only the presiding officer and the persons actually speaking will be covered by the cameras during debates. During colloquies, different cameras will cover the speaking Senators. Cameras will not pan the Chamber.

During roll calls, recesses and votes.—During quorum calls and votes the camera will cover the presiding officer and official clerks. Cameras will be turned off during recesses.

Identification of speakers.—The name of the Senator speaking will be superimposed on the bottom of the screen.

Still photography.—The ban on taking photographs in the Chamber (and galleries) will remain in effect.

Other issues.—The Rules Committee may decide other minor issues which may arise during the test period.

ADMINISTRATIVE ISSUES

Procurement

Need for consultants.—It is anticipated that a lighting and camera consultant will be hired by the Architect of the Capitol after consultation with the Sergeant at Arms and the Rules and Administration Committee.

Equipment needed.—

1. Cameras

Six cameras will be installed during the test period. It will be determined during the test period whether this number is sufficient. It is anticipated the cameras will be directed and focused remotely, from the control room, so as to minimize the visibility of the cameras. The cameras will be placed in the galleries, not at ground level.

2. Control room equipment

Control room equipment designed on the advice of the consultant will be installed prior to the test period. It will be determined during the test period whether this equipment is sufficient and satisfactory. The operators in the control room will direct the cameras, choose which camera will be sending the signal at any given time, produce the live feed, and make the tapes of the live feed.

3. Sound equipment

The Architect of the Capitol has recommended replacement of the speech reinforcement system in the Chamber to insure broadcast quality audio.

4. Lighting

A lighting consultant has already determined that it will be necessary to increase wattage in some of the existing lighting fixtures. The exact extent of this work will be determined during the test period. No klieg lights will be necessary: the lighting consultant indicated that no new lighting fixtures of any kind would be necessary.

5. Air-conditioning equipment

The Architect of the Capitol testified during the meeting on S. Res. 66 that the existing cooling capacity is adequate to handle the increased wattage.

Responsibility for procurement.—The Office of the Architect of the Capitol will procure all equipment to be installed. Bids will be requested and purchases will be made according to the normal procurement procedures of the Architect of the Capitol.

Oversight.—Oversight will be exercised by the Senate Committee on Rules and Administration, which must approve all contract awards by the Architect of the Capitol or the Sergeant at Arms for consultants, training, or procurement of equipment.

Installation

Need for consultants.—It is intended that consultants will be hired to assist in the installation of equipment.

Schedule.—It is estimated that installation of the equipment will take six to nine months. The work of the Senate will not be affected during this period.

Responsibility for installation.—The Office of the Architect of the Capitol will be responsible for the installation of the equipment. (Installation of radio service will consist of a simple connection into the chamber public address system.)

Oversight.—Oversight will be exercised by the Senate Committee on Rules and Administration.

Operation

Responsibility for operation of the radio test.—The Architect of the Capitol will have the responsibility for the live broadcasting by radio.

Responsibility for operation of the television test.—The Sergeant at Arms will have primary responsibility for the closed circuit test of television of the Senate floor proceedings.

Hiring.—Hiring will be conducted by the Office of the Senate Sergeant at Arms under normal employment procedures. Some of the existing Recording and Photographic Studio staff will be used in the operation of television equipment.

Training.—Training will be conducted during the test period.

Oversight.—Oversight will be exercised by the Senate Committee on Rules and Administration.

Test period

Responsibility.—The test will be conducted by the Offices of the Architect of the Capitol and the Sergeant at Arms. During the test

period, video feeds will be provided only to the Congressional cable system.

Length.— It is estimated that the test period will last three to six months. The work of the Senate will not be affected during this period.

Safeguards against unauthorized use.—No outside use of test period video feeds will be permitted.

Adjustments during the test period.—Changes in operating procedures deemed to be necessary during the test period will be made and tested before the conclusion of the period.

End of test period.—The test period will end only when the Senate acts on the recommendations of the Rules and Administration Committee as mandated by this resolution.

Oversight.—Oversight will be exercised by the Senate Committee on Rules and Administration.

POLICY ISSUES IN TELEVISION/RADIO RESOLUTION SECTION-BY-SECTION ANALYSIS

Section 1

This resolution would provide for gavel-to-gavel test coverage of the Senate (radio for public broadcast, television limited to closed circuit), including those times when the Senate is meeting in committee of the whole, such as during treaty debates. Coverage will cease only during closed-door sessions. Less than gavel-to-gavel coverage would compromise the credibility which complete and unedited broadcast coverage provides, and would lessen the historical value of the recordings.

The resolution would provide for no changes in the Standing Rules of the Senate; broadcast coverage will be subject to the rules already in effect relating to the gallery.

Section 2

This resolution would provide for the equipment to be owned and operated by the Senate so that the Senate can more effectively supervise the broadcasts and prevent disruption of normal floor proceedings.

The continuous, live broadcast will be provided free to any accredited member of the radio and television correspondents gallery. This should remove any First Amendment questions inherent in requiring a fee or establishing new access restrictions for coverage of the Senate.

The Rules Committee can authorize other entities, such as Government agencies or universities, to receive the broadcast in the same manner as members of the Gallery.

Section 3

The television broadcast will focus only on the speaking Member or the presiding officer and would not pan the chamber; this will insure that only documentary information will be transmitted.

Section 4(b)

The Architect of the Capitol is charged with building the necessary facilities for TV and radio, since the Architect's office is the

normal office for construction. The facilities will consist of the control room, new lights, cameras and recording equipment.

The Rules and Administration Committee will approve any necessary contracts.

Section 4(c)

The Sergeant at Arms will operate and maintain the equipment, in conjunction with the Recording Studio. Video and audio recordings will be produced. Senators, Gallery members, and those authorized by the Rules Committee may obtain copies of the tape at the cost of the copy. After 90 days, the tapes will be sent to the Library of Congress and the National Archives.

The Rules and Administration Committee will approve any necessary contracts.

Section 4(d)

The Library of Congress and the National Archives will store the historical copies; these may be viewed and heard free of charge, and copied at the cost of the copy.

Section 5

The public radio broadcast test shall begin immediately upon approval of the resolution. Television will be limited to closed circuit within the Congressional buildings during the test period. The test will be used to perfect operational procedures and to permit Senators to view the coverage while considering the resolution. The test will end when the Senate disposes of a later resolution to be reported by the Rules Committee.

Section 6

Anyone requesting copies of the tapes of the broadcast must certify that the broadcasts will not be used for non-First amendment commercial or political purposes. This does not preclude, of course, news, information, or educational uses.

Section 7

Any changes in this resolution will require the consent of the full Senate. The Rules and Administration Committee will develop operating procedures during the test period.

Section 8

The Architect of the Capitol is authorized to spend up to $3,500,000 from the Contingent Fund of the Senate for the one time expense of installation. The operating expenses of the Sergeant at Arms, for the purposes of this resolution, will be funded in the normal appropriations process.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, November 6, 1985.

Hon. CHARLES MCC. MATHIAS, JR.,
Chairman, Committee on Rules and Administration, U.S. Senate, 305 Russell Senate Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the attached cost estimate for S. Res. 28, a resolution to improve Senate procedures.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

RUDOLPH G. PENNER, *Director.*

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE

NOVEMBER 6, 1985.

1. Bill number: Senate Resolution 28.
2. Bill title: A resolution to improve Senate procedures.
3. Bill status: As ordered reported by the Senate Committee on Rules and Administration, October 29, 1985.
4. Bill purpose: This resolution authorizes implementation of television and radio coverage of proceedings of the Senate. Certain activities are required of the Sergeant at Arms and Doorkeeper of the Senate, and of the Architect of the Capitol, the Librarian of Congress, and the Archivist of the United States. This resolution also authorizes the expenditure of up to $3.5 million from the contingent fund of the Senate to carry out the activities required by this resolution.
5. Estimated cost to the Federal Government.

[In millions of dollars]

	Fiscal years				
	1986	1987	1988	1989	1990
Estimated authorization level	3.8	0.7	0.9	0.9	1.0
Estimated outlays	3.5	1.0	0.9	0.9	1.0

Note.—The costs of this bill fall within budget function 800

Basis of Estimate: This cost estimate is based on information provided by the offices that will be required to participate in the purchase, installation, operation, and maintenance of the system and to store and make copies of recordings available to the public.

The cost to the Architect of the Capitol for purchase and installation of equipment is estimated to be $3.5 million. It is estimated that $3.2 million will be expended by the Architect in fiscal year 1986, with the balance spent in fiscal year 1987. Additional costs for other offices will include approximately $35,000 for equipment to be purchased by the Archivist of the United States in fiscal year 1986. Staff time required during the test period is estimated to cost $190,000 in fiscal year 1986. This estimate assumes the system will begin full operation at the beginning of the 100th Congress in Jan-

uary 1987. The 1987 costs to operate, maintain, and repair the system, and to make tapes available to the public are estimated to be approximately $700,000. These costs have been adjusted by CBO's specialized price indices to estimate costs for fiscal years 1988–1990.

6. Estimated cost to State and local governments: None.
7. Estimate comparison: None.
8. Previous CBO estimate: None.
9. Estimate prepared by: James Hearn.
10. Estimate approved by: James L. Blum (Assistant Director for Budget Analysis).

COMMITTEE ROLLCALL VOTES

In compliance with paragraph 7 (b) and (c) of rule XXVI of the Standing Rules of the Senate, the record of the rollcall votes in the Committee on Rules and Administration during its consideration of S. Res. 28 (Star Print) is as follows:

On a motion by Senator Byrd to amend the Gore amendment, to have radio broadcast begin when authorized by the joint leadership: Not agreed to: 3 yeas; 6 nays, present and voting.

YEAS	NAYS
Mr. Hatfield[1]	Mr. Mathias
Mr. Warner[1]	Mr. McClure
Mr. Dole	Mr. Ford
Mr. Stevens[1]	Mr. Pell
Mr. Garn	Mr. DeConcini[1]
Mr. Byrd	Mr. Simon
	Mr. Gore

On a motion proposed by Senator Gore to amend the resolution: Agreed to: 6 years; 3 nays, present and voting.

YEAS	NAYS
Mr. Mathias	Mr. Warner[1]
Mr. Hatfield[1]	Mr. Dole
Mr. McClure	Mr. Stevens[1]
Mr. Garn	Mr. Pell
Mr. Ford	Mr. Byrd
Mr. DeConcini[1]	
Mr. Simon	
Mr. Gore	

[1] By proxy.
By proxy.

On a motion proposed by Senator Byrd to report the resolution: Agreed to: 8 yeas; 1 nay, present and voting.

AYES	NAYS
Mr. Mathias	Mr. Hatfield[1]
Mr. McClure	Mr. Dole
Mr. Stevens [1]	
Mr. Garn	
Mr. Ford	
Mr. Pell	
Mr. Byrd	
Mr. Simon	
Mr. Gore	

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